

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 18, 2001**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of April 18, 2001 was called to order by Mayor Nakanishi at 6:05 p.m.

Present: Council Members – Hitchcock, Howard, Pennino (arrived at 6:10 p.m.) and Mayor Nakanishi

Absent: Council Members – Land

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Prospective acquisition of real property located at 302 E. Highway 12, Lodi, California, APN 058-030-01; the negotiating parties are City of Lodi and Carolyn Reichmuth; Government Code §54956.8
- b) Prospective acquisition of real property located at 307 W. Elm Street, Lodi, California, APN 037-270-17; the negotiating parties are City of Lodi and James E. & Carol A. Dean TR.; Government Code §54956.8
- c) Prospective acquisition of real property located at 22 E. Locust Street, Lodi, California, APN 043-082-02, and 17 E. Elm Street, Lodi, California, APN 043-082-01; the negotiating parties are City of Lodi and Weber, Herman & I TRS.; Government Code §54956.8

C-3 ADJOURN TO CLOSED SESSION

At 6:06 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 6:45 p.m., Mayor Nakanishi reconvened the City Council meeting and City Attorney Hays disclosed the following actions.

In regard to item C-2 a), it was reported that Mayor Pro Tempore Pennino made a motion, Nakanishi second, to direct staff to make an offer regarding acquisition of property at 302 E. Highway 12, Lodi (APN 058-030-01). The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

In regard to item C-2 b), there was no reportable action taken by the City Council.

In regard to item C-2 c), it was reported that Mayor Pro Tempore Pennino made a motion, Nakanishi second, to direct staff to make an offer regarding acquisition of properties at 22 E. Locust Street, Lodi (APN 043-082-02) and 17 E. Elm Street, Lodi (APN 043-082-01). The motion carried by the following vote:

Ayes: Council Members – Howard, Pennino and Mayor Nakanishi

Noes: Council Members – Hitchcock

Absent: Council Members – Land

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of April 18, 2001 was called to order by Mayor Nakanishi at 7:00 p.m.

Present: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Absent: Council Members – Land

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Ken Owen with Christian Community Concerns.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Nakanishi.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Awards – None

D-2 (a) Proclamations – None

D-3 (a) Theresa Yvonne, staff liaison to the Lodi Arts Commission, updated the City Council on the accomplishments and activities of the Arts Commission (filed).

D-3 (b) Yuba Grant, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, Cormac Seely from Bear Creek High School.

D-3 (c) Sharon Tison and youth members of the Alpine-Victor 4-H Stitchery Group, presented Police Lieutenant David Main and staff of the Lodi Animal Shelter with blankets, knitted and crocheted by the group, in a humanitarian effort to provide extra warmth for the felines housed at the Lodi Animal Shelter.

D-3 (d) Mark Chandler, Executive Director of the Lodi Woodbridge Winegrape Commission, and Sharon Dais, Executive Director of the Lodi Conference and Visitors Center, made a presentation to the City Council regarding the progress at the Discover Lodi! Wine and Visitors Center. In addition, the Council was presented with a commemorative wine bottle in recognition of the City's support and contribution to the Center's success. Mr. Chandler invited everyone to the public grand opening to be held on April 28 and 29.

D-3 (e) Police Chief Jerry Adams and Police Volunteer Supervisor Jeanie Biskup introduced the thirteen graduates of Class #12 of the Lodi Police Partners. Chief Adams also reported that the recent Tip-a-Cop program generated \$2,600 for Special Olympics. In response to Council Member Hitchcock, Chief Adams acknowledged that he received a statewide award from Crime Stoppers.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Pennino, Howard second, approved the following items hereinafter set forth **except those otherwise noted**. The motion carried by the vote shown below:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

E-1 Claims were approved in the amount of \$8,754,024.80.

E-2 The minutes of March 5, 2001 (Special Town Hall Meeting), March 7, 2001 (Regular Meeting), March 20, 2001 (Shirtsleeve Session), March 27, 2001 (Shirtsleeve Session), and April 3, 2001 (Shirtsleeve Session) were approved as written.

E-3 Received for information only the report of the sale of scrap metal in the amount of \$6,557.70.

E-4 Approved the specifications for the following sizes and quantities of underground electrical conductor and authorized advertising for bids:

- 25,000 feet each of #1/0 and #350 600-volt underground triplex cable
- 20,000 feet each of #2 and #750 15kV XLPE concentric neutral primary conductor
- 45,000 feet of #2/0 15kV XLPE concentric neutral primary conductor

Continued April 18, 2001

- E-5 Adopted Resolution No. 2001-88 1) approving specifications, 2) authorizing periodic advertisement for bids, and 3) authorizing staff to award the purchases of power utility duct and fittings as needed during 2001 for the Electric Utility Department (estimated \$82,000).
- E-6 "Adopt resolution authorizing the use of Asset Seizure funds for the purchase of new digital cellular phone equipment for the Lodi Police Department (\$6,510)" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.**
- E-7 Adopted Resolution No. 2001-89 authorizing the sole-source purchase of electric service boxes and covers from Carson Industries, of La Verne, California, in the amount of \$10,608.64; and concrete vaults, covers, and sealant from Utility Vault Company, of Pleasanton, California, in the amount of \$8,734.15 for installation at various subdivisions during 2001.
- E-8 "Adopt resolution awarding contract for Asbestos Removal, Demolition, Clearing and Grading as an Abatement Action at 220 E. Pine Street (APN 043-074-06) to Speelman Excavation (\$17,745), and appropriate funds for the project" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-9 "Adopt resolution awarding emergency repair of Enze Pool to Applied Fiberglass Systems, Rancho Cordova, in the amount of \$31,961, and appropriate funds" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.**
- E-10 Adopted Resolution No. 2001-90 awarding Lodi Lake Concession Operations for the period of May 1, 2001 to December 31, 2003 to Bon Cuisine A La Carte with a return to the City of 14% of gross sales from concession operations.
- E-11 Adopted Resolution No. 2001-91 supporting the CALFED 2001 grant application for a Lower Mokelumne River watershed education project focusing on educating students and the public on storm drain dumping and other related issues.
- E-12 "Authorize the City Manager to execute a lease agreement with BroadLink Communications, Inc., for the purpose of installing a small equipment building on City property and erecting antenna on the City's elevated water tank at 114 N. Main Street" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.**
- E-13 "Adopt resolution authorizing the City Manager to sign a consulting services agreement with Borismetrics to provide professional services in the areas of power supply and rates to the Electric Utility Department (not to exceed \$95,000)" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.**
- E-14 "Adopt resolution to join with San Joaquin County in the creation of an Abandoned Vehicle Abatement Service Authority" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.**
- E-15 Authorized the issuance of subpoenas in regard to the PCE/TCE Abatement Program based upon the recommendation of the Contamination Advisory Committee
- E-16 Set Public Hearing for May 2, 2001 to consider the Planning Commission's recommendation of approval to the City Council for the rezoning of 255 E. Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial, and a recommendation that the City Council certify the Negative Declaration ND-01-01 as adequate environmental documentation for the project.

- E-17 Set Public Hearing for May 2, 2001 to consider the Planning Commission's recommendation of approval to the City Council for a General Plan Amendment and Rezoning for 1041 & 1171 E. Harney Lane; the General Plan Amendment is from PR, Planned Residential to LDR, Low Density Residential and PQP, Public Quasi/Public, and the Rezoning from San Joaquin County AU-20 to R-2, Single Family Residential and PUB, Public; the request also includes a recommendation that the City Council certify Negative Declaration ND-00-12 as adequate environmental documentation for the project; and to initiate annexation of the properties into the City of Lodi
- E-18 Set Public Hearing for May 16, 2001 for the Transit Division's Fiscal Year 2001 Program of Projects.
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ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

The City Council, on motion of Mayor Pro Tempore Pennino, Nakanishi second, voted to consider Item E-8 following the Consent Calendar rather than under the Regular Calendar. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

- E-8 "Adopt resolution awarding contract for Asbestos Removal, Demolition, Clearing and Grading as an Abatement Action at 220 E. Pine Street (APN 043-074-06) to Speelman Excavation (\$17,745), and appropriate funds for the project"

PUBLIC COMMENTS:

- Chris Simpson, owner of 220 E. Pine Street, Lodi, stated that he only recently came into full control and title of the property. He asked the Council not to move forward on the demolition process, as he has received two purchase offers, as well as a third offer to renovate the property.
- Greg Adams, Associate Realtor with SSB Realtors/GMAC Realtors, 2400 Eilers Lane, Apt. 1902, Lodi, confirmed that two legitimate offers on the property have been received and a third from Vincent Limas for renovations. He asked the Council to delay this item for 30 days.

Community Development Director Bartlam reported that the City began the process to abate the nuisance of the buildings on this property several months ago. It has been posted in excess of one year and has been vacant for more than six months.

In reply to Mayor Nakanishi, Community Improvement Manager Joseph Wood, reported that a 30-day extension would require the City to rebid the demolition project.

In response to Mayor Pro Tempore Pennino, City Attorney Hays explained that the City has followed due process to arrive at this point. The property owners have had an opportunity to address the problems and they have chosen not to. He advised that the Council is within its right to move forward with the demolition if they wish to.

- Vincent Limas, of Limas Group and Rescom Building Works in Stockton, 302 Gene Avenue, Stockton, stated that he had inquired about this property only three days ago. His offer to renovate the property will be complete by 10:00 a.m. tomorrow. He asked the Council to delay this item.

Mayor Nakanishi spoke in support of delaying action on this item to allow an opportunity for restoration of the property.

In reply to Mayor Pro Tempore Pennino, Mr. Wood reported that the property consists of three residential structures. There is one small studio that originally was a barbershop, a two-story apartment building with eight units, and a single-family dwelling that fronts on Washington Street.

Mayor Pro Tempore Pennino pointed out that this property has a long history of problems and was at one time reported as having the highest number of calls for police service of any property in Lodi. He asked staff what could be built in its place if the property was torn down.

Mr. Wood stated that the current zoning for the property is C-2, which allows for most commercial and residential development.

Mr. Bartlam noted that if a residential structure were built it could have a maximum of four units, as opposed to the ten that are on the site at this time.

Council Member Howard stated that she supports private business and would favor tabling this matter for 30 days.

Council Member Hitchcock recalled that 15 years ago she took students from her class to offer Christmas gifts to a family living in the facility. She found the conditions to be deplorable and expressed anger that the property owner is coming forward at this late date after allowing the conditions of the property to deteriorate for such a lengthy period of time. Ms. Hitchcock supported moving forward with the demolition.

Discussion ensued regarding delaying action until the first regularly scheduled meeting in May, to which Council Members Hitchcock, Howard, and Mayor Pro Tempore Pennino expressed agreement.

Mr. Wood pointed out that weeds on the property are two to three feet high and present a fire hazard. He suggested that if this item is delayed, a commitment should be made by the property owner to address the problem.

- Eileen St. Yves, 310 S. Orange Avenue, Lodi, commented that Mr. Limas belongs to the Rental Property Association. She acknowledged that this property has been vacant and uncared for a great length of time, but pointed out that Lincoln School has also. Ms. Yves stated that she has witnessed good pieces of property torn down in Lodi for the purposes of building apartments. She urged the Council to allow an opportunity for renovations of the property. In reference to the number of people that can live in a four-unit building, Ms. St. Yves reported that the Federal government removed the occupancy standard from the regulations. Cities now use what is specified in the Uniform Housing Code, which addresses the number persons allowed per square feet.

In reply to Mayor Pro Tempore Pennino, Mr. Simpson agreed to abate the weeds on the property.

MOTION:

The City Council, on motion of Mayor Pro Tempore Pennino, Hitchcock second, voted to continue this item to the first regularly scheduled City Council meeting in May with the stipulation that the property owner complete the necessary weed abatement on the property prior to the next Council meeting. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Ken Owens, Christian Community Concerns, announced that the National Day of Prayer is May 3. He stated that prayer has been a significant part of American society from the founding of the country and invited everyone to attend this event to support civic leaders, the state, and the nation. He added that a committee headed by Ivan Suess, and joined by Council Member Howard, is coordinating the Leadership Prayer Breakfast on May 31.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the Public Hearing to adopt resolution accepting the Tecklenburg/Beckman Reorganization (LAFC 05-00) proposal to annex approximately 27 net acres to the City of Lodi with concurrent detachments from the Woodbridge Rural County Fire Protection District, Northern San Joaquin County Water Conservation District and Road District No. 4.

Community Development Director Bartlam reported that this property was first considered by Council in late 1999 and was approved by the Local Agency Formation Commission just over a year ago. The property is within the City's industrial eastside and is anticipated to be developed in the near future.

In response to Council Member Hitchcock, Mr. Bartlam explained that the property is designated as Unclassified Holding. For industrial development to occur a zoning change would have to be approved by Council, which allows for control over the property and ultimately the adjacent property as well. Mr. Bartlam reported that this is in anticipation of the City's new Zoning Code being completed. A new business park zone is being created that will have its own set of land use standards and permitted uses.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Howard second, adopted Resolution No. 2001-92 entitled, "A Resolution of the Lodi City Council Ordering Territory Designated as Tecklenburg/Beckman Annexation/Reorganization (LAFCO 05-00) Annexed to the City of Lodi." The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

- G-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the Public Hearing to consider adopting resolution updating Development Impact Fees for Water, Wastewater Collection, Storm Drainage, Streets, Police, Fire, Parks and Recreation, and General City Facilities; and to consider amendments to Title 15, Section 64 of the Lodi Municipal Code.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Nakanishi second, **canceled** the above Public Hearing to be renoticed to an appropriate time. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

- G-3 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the Public Hearing to consider introduction of ordinance for the implementation of an Electric Market Cost Adjustment Policy and Mechanism.

NOTE: Due to a potential conflict of interest, Mayor Pro Tempore Pennino abstained from discussion and voting on this matter.

RECESS

At 8:10 p.m., Mayor Nakanishi called for a recess and the City Council meeting reconvened at 8:20 p.m.

G. PUBLIC HEARINGS (Continued)

- G-3 Council Member Hitchcock asked the City Attorney to explain whether regulations require stating the reason for abstention from voting.

City Attorney Hays stated that he believed Mayor Pro Tempore Pennino felt it was clear that the community knows he works for PG&E and he often abstains from discussion and voting on issues related to Electric Utility. Mr. Hays acknowledged that abstentions from voting should be prefaced by stating the reason why.

Electric Utility Director Vallow reported that there has been volatility in the power markets for approximately one year, with a collapse of the wholesale markets. PG&E is currently in bankruptcy proceedings and Southern California Edison may soon be as well. Due to the unusual behavior of the market, Lodi Electric Utility secured a power contract for the remainder of the year. This action took Electric Utility off the power market; however, it was very expensive at a cost of \$150 a megawatt hour, totaling \$10 million. Electric Utility has a legal obligation under the covenants for various bonds to ensure that enough money is collected through rates to cover their costs. It is now necessary to recover the extra expense of the one-year power contract. The Electric Market Cost Adjustment Policy and Mechanism ordinance must be reconsidered by the Council no more frequently than quarterly, or less frequently than semi-annually. Mr. Vallow stated that Boris Prokop prepared the market cost adjustment information. At the conclusion of the Cost of Service study, consideration will be made of a permanent rate structure to reflect market changes in gas and electric commodities. Mr. Vallow stated that a final mechanism put in place will not only be a surcharge, it is also expected to be a credit. He explained that when markets are up ratepayers will pay more, and when the market is down they will pay less. Lifeline and low-income customers are exempt from the rate increase. Increases will be made on a per kilowatt-hour basis, not on a percentage of the bill.

Mr. Vallow defined class EA as the normal residential electric customer, and EE as an all-electric customer. For residential customers there will be a rate increase of 10% for 0-300 kilowatt hours; a 15% increase for 300-600 kilowatt hours; and a 22% increase for over 600-kilowatt hours. Class G-1 represents small commercial and G-2 are large restaurants, grocery stores, etc. G-1 customers will have rate increases of 15% and G-2 customers will have an increase of 22% on energy, translated to an 8% increase on their bills. Mr. Vallow explained that for larger customers there is an energy component and a demand component. G-3, 4, 5 and I-1 customers will not have rate increases. The rate increases identified in the ordinance are structured to recover \$5 million over one year. Mr. Vallow stated that if customers reduce their electrical usage by 10% they will not see an increase on their bills, compared to the previous year. An energy fair is planned for June 2 at the Grape Festival grounds to educate citizens about Electric Utility's energy efficiency programs, how to weatherize their homes, and how they can easily reduce their electrical usage by 10%.

In response to Council Member Howard, Mr. Vallow emphasized the importance of retaining an incentive program for smaller businesses to expand and new businesses to move to Lodi. He noted that the G-1 and G-2 customers are small in number and their participation in the incentive program has little financial impact.

Council Member Hitchcock asked whether the City should be looking at developing more power sources.

Mr. Vallow reported that discussions are currently taking place with 13 counter parties, and three to four potential sites have been identified.

In reference to PG&E's bankruptcy, Mr. Vallow stated that it could potentially have a negative impact of \$2 to \$3 million on the City of Lodi this year.

In summary, Mr. Vallow stated that the Electric Market Cost Adjustment Policy and Mechanism is designed to be temporary. Staff will provide the Council with a status report no later than October.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Howard second, introduced Ordinance No. 1701 entitled, "An Ordinance Of The Lodi City Council Amending Chapter 13.20 Electrical Service, Article III. Rates By Adding Section 13.20.175 – Schedule MCA – Market Cost Adjustment". The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

Abstain: Council Members – Pennino

H. COMMUNICATIONS

H-1 On recommendation of the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), and Human Resources staff, the City Council, on motion of Mayor Pro Tempore Pennino, Howard second, rejected the following claims. The motion carried by the vote shown below:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

- a) Virginia Bird, date of loss 07/07/00
- b) R.L. Yacopetti, date of loss 12/18/00
- c) Temple Baptist Church, date of loss 01/05/01
- d) Dorothy Wood, date of loss 06/25/00
- e) Thomas Farnsworth, date of loss 06/25/00
- f) Josie Okamoto, date of loss 02/01/01
- g) Pauline Meyer, date of loss 09/01/99
- h) Kucich Ltd./Vintage Square, date of loss 10/26/00
- i) Virginia Nelson, date of loss 09/18/00
- j) Ron Galasi, date of loss 12/20/00

H-2 The following report was presented to the City Council:

- a) Planning Commission report of March 28, 2001

H-3 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Pennino, Howard second, directed the City Clerk to post for the following expiring terms/vacancies. The motion carried by the vote shown below:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

Lodi Arts Commission

Laura Heinitz Term to expire July 1, 2001

Robin Knowlton Term to expire July 1, 2001

East Side Improvement Committee

Joseph Spinelli Term expired March 1, 2001

Mickey Woodward Term expired March 1, 2001

Greater Lodi Area Youth Commission

Sweta Patel Term to expire August 30, 2001

Ashkon Shaahinfar Term to expire August 30, 2001

Matthew Johnston Term to expire August 30, 2001

Jeffrey Jauregui Term to expire August 30, 2001

Ashleigh Krueger Term to expire August 30, 2002

Julia Rough Term to expire August 30, 2002

Alisha Thawley Term to expire August 30, 2002

Library Board

Carol Farron Term to expire June 30, 2001

Thomas R. Goad, Sr. Term to expire June 30, 2001

Planning Commission

Tim Mattheis Term to expire June 30, 2001

W. John Schmidt Term to expire June 30, 2001

San Joaquin Valley Unified Air Pollution Control District

Wade Broughton Term expired February 4, 2001

- b) The City Council, on motion of Council Member Hitchcock, Pennino second, made the following appointment to the Lodi Swimming Pool Task Force. The motion carried by the vote shown below:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

Lodi Swimming Pool Task Force

Victor Schuh Unspecified term

- c) The City Council, on motion of Mayor Pro Tempore Pennino, Hitchcock second, made the following Council representative appointments. The motion carried by the vote shown below:

Ayes: **Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi**

Noes: Council Members – None

Absent: Council Members – Land

Local Agency Formation Commission (LAFCO)

Keith Land, Regular Member **Term to expire May 1, 2005**

Community Development Block Grant (CDBG) Program

Alan Nakanishi Unspecified term

Greater Lodi Area Youth Commission

Emily Howard Unspecified term

H-4 Miscellaneous – None

I. REGULAR CALENDAR

- I-1 “Approve revised Survey Area for Redevelopment Project No. 1”

Community Development Director Bartlam reported that in February 2000 the Council approved the survey area for the purposes of establishing Area 1 for the Redevelopment Agency. Based on the survey area, staff has been following the complex process of establishing the project area and redevelopment plan. At the Planning Commission's March 28 meeting they suggested that an area comprised of properties that front Lodi Avenue be considered for inclusion in the project area. Staff feels that the area would meet the definition as required by the redevelopment law and recommend that the survey area be amended accordingly.

Mayor Pro Tempore Pennino asked whether the county has been apprised of this revision suggestion.

Mr. Bartlam indicated that he has had some discussions with the county about this subject. He felt that the county would not oppose the revision, in part, because of the PCE/TCE contamination, which is underneath the central Lodi area.

In reply to Council Member Hitchcock, Mr. Bartlam stated that the public participation process will begin this summer.

MOTION/ VOTE:

The City Council, on motion of Council Member Hitchcock, Nakanishi second, adopted Resolution No. 2001-93 approving the revised Survey Area Boundaries for Redevelopment Project No. 1. The motion carried by the following vote:

Ayes: **Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi**

Noes: Council Members – None

Absent: Council Members – Land

- E-6 “Adopt resolution authorizing the use of Asset Seizure funds for the purchase of new digital cellular phone equipment for the Lodi Police Department (\$6,510)”

In response to Council Member Hitchcock, Police Chief Adams reported that hands-free phone kits have been installed in patrol cars. Samsung 850 phones were issued to police detectives because of the vibration feature, which is a desired option when they are talking to citizens and conducting interviews. It is necessary to obtain Council approval prior to spending asset seizure funds.

MOTION:

The City Council, on motion of Council Member Hitchcock, Pennino second, adopted Resolution No. 2001-94 authorizing the Lodi Police Department to purchase new digital Samsung cellular telephone equipment in the amount of \$6,510 from the Federal Asset Seizure Account. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

- E-9 “Adopt resolution awarding emergency repair of Enze Pool to Applied Fiberglass Systems, Rancho Cordova, in the amount of \$31,961, and appropriate funds”

In reply to Council Member Hitchcock, Parks and Recreation Director Baltz acknowledged that the damage done to the pool was due to a faulty return water line, which has since been corrected. He noted that the swim season begins in five weeks.

MOTION:

The City Council, on motion of Council Member Hitchcock, Howard second, adopted Resolution No. 2001-95 awarding emergency repair work of Enze Pool to Applied Fiberglass Systems, of Rancho Cordova, California, in the amount of \$31,961.00, and appropriated funds for the project. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

- E-12 “Authorize the City Manager to execute a lease agreement with BroadLink Communications, Inc., for the purpose of installing a small equipment building on City property and erecting antenna on the City’s elevated water tank at 114 N. Main Street”

Council Member Howard pointed out that the antenna will not be a tall vertical spike as many might have expected, but rather, it is quite small and inconspicuous.

Mayor Nakanishi recalled that a young citizen had recently inquired about the feasibility of painting “Lodi” on the water tower and he asked Mr. Prima for an update.

Public Works Director Prima reported that when the water tank was built in 1985 discussion took place about placing the City’s logo on the tank; however, it was deemed too expensive at a cost of \$25,000, plus the ongoing maintenance of repainting it to retain the aesthetic quality.

MOTION:

The City Council, on motion of Mayor Pro Tempore Pennino, Howard second, authorized the City Manager to execute a lease agreement with BroadLink Communications, Inc., for the purpose of installing a small equipment building on City property and erecting antenna on the City’s elevated water tank. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

- E-13 “Adopt resolution authorizing the City Manager to sign a consulting services agreement with Borismetrics to provide professional services in the areas of power supply and rates to the Electric Utility Department (not to exceed \$95,000)”

Electric Utility Director Vallow reported that Rates and Resources Section employees Jack Stone and Jim Doyle recently retired. Boris Prokop was hired under temporary authority to fill in for the vacancies created by these retirements and has been working for Electric Utility for over a month. Mr. Prokop previously worked for EES, but has since left

to form his own consulting firm Borismetrics. Mr. Prokop continues to assist EES with the Cost of Service study that is currently underway. Johnson and Associates is in the process of conducting an organizational study, which when completed will identify what should be done in the Rates and Resources Section.

City Manager Flynn clarified that due to the retirements of two rate analysts, the expertise of Mr. Prokop is needed to follow up on the Cost of Service study once it is completed.

Mr. Vallow stated that they would like Mr. Prokop to work Tuesdays, Wednesdays, and Thursdays of each week.

Council Member Hitchcock pointed out that the Council was given very little background information on this subject and was not provided a copy of the contract. She asked whether the item could be delayed until Council had an opportunity to review pertinent information.

Mr. Vallow indicated that their temporary authority is limited to \$5,000 and if the item is delayed they will not be able to continue to pay Mr. Prokop. Upon further questioning, Mr. Vallow stated that \$95,000 represents the value of a rate analyst for one year. He noted that Mr. Prokop has other engagements due to his new business, and Mr. Vallow is attempting to capitalize on a core of his time. Recommendations for filling the vacancies will be made once Johnson and Associates concludes its organizational study in mid to late summer.

Mayor Pro Tempore Pennino agreed that a request for \$95,000 without any detail presents a concern and he suggested that a month-to-month approval would be more appropriate under the circumstances.

Mr. Vallow warned that Mr. Prokop has three other cities that he is working with. The consulting services agreement is meant to create some certainty that he will devote an agreed-upon amount of time with Electric Utility. He added that consultants are currently in short supply and high demand.

City Manager Flynn reiterated that there is currently a high demand for rate analysts and recruiting to fill the vacancies would prove difficult. He acknowledged that the Council should have been provided more information and stated that a copy of the contract would be forwarded to them.

Mr. Vallow stated that the rate agreed to with Mr. Prokop was less than his normal hourly rate because they could offer him a substantial amount of time. He indicated that Mr. Prokop would be paid \$120 per hour plus expenses and the agreement would carry them through for the next six to eight months.

MOTION:

The City Council, on motion of Council Member Hitchcock, Howard second, adopted Resolution No. 2001-96 authorizing the City Manager to sign a consulting services agreement for professional services with Borismetrics to provide professional services in the areas of power supply and rates to the Electric Utility Department up to a maximum of \$95,000. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – Land

- E-14 "Adopt resolution to join with San Joaquin County in the creation of an Abandoned Vehicle Abatement Service Authority"

City Manager Flynn noted that the Council packet did not include a copy of the letter from Stockton Mayor Podesto asking Lodi to join other cities in the county in adopting the Abandoned Vehicle Abatement Service Authority.

Mayor Pro Tempore Pennino expressed concern about the dollar fee per car registration. He pointed out that the staff report indicates the City tows only 20 vehicles per year and if one dollar per vehicle were collected it would amount to approximately \$40,000.

Community Improvement Manager Joseph Wood clarified that the number of 20 vehicles in the staff report was only referring to Code Enforcement and did not include the vehicle abatement done by the Police Department, which is much higher. He explained that Code Enforcement has a fee schedule, which allows them to charge a \$100 towing fee to the property owner, unless they can show proof that they had no knowledge that the vehicle was there. Currently the City is not charged for towing vehicles; however, with the declining scrap metal prices, soon jurisdictions will have to start paying the tow companies.

Mayor Pro Tempore Pennino stated that the City continues to pay annually for call boxes, which have already been installed, and asked if staff has looked into shifting those funds over to the vehicle abatement area.

Public Works Director Prima responded that installation of call boxes may still be ongoing in some areas.

Community Development Director Bartlam reported that the current number of registered vehicles in the county is 434,600. Lodi represents 10% of the county's population and would receive approximately \$28,000 to \$30,000 if they participated in the Vehicle Abatement Service Authority.

Mayor Pro Tempore Pennino suggested using Community Development Block Grant (CDBG) funds for towing vehicles in blighted areas.

Mr. Bartlam replied that from an administrative standpoint this would not be the best use of CDBG money due to the higher degree of paperwork that is involved.

MOTION:

The City Council, on motion of Council Member Howard, Hitchcock second, adopted Resolution No. 2001-97 authorizing the City to join with San Joaquin County in the creation of an Abandoned Vehicle Abatement Service Authority to participate with the County in the development of a Joint Powers Agreement. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard and Mayor Nakanishi

Noes: Council Members – Pennino

Absent: Council Members – Land

J. ORDINANCES

None

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hitchcock thanked the Arts Commission for the recent dinner and presentation they gave to the Council. In addition, she inquired about the unfinished section of Lower Sacramento Road between Vine Street and Taylor Road.

Public Works Director Prima reported that to complete the improvements in that area would require a substantial increase in cost and right-of-way. Reconsideration of the environmental clearance would also have to be done. He noted that a full curb will be installed at Vine Street with a transition for buses. There will be an asphalt curb, narrow shoulder and all four travel lanes. He also pointed out that the Reiswig property is 10 acres, which will likely be developed at some point, at which time the developers would pay for the improvements.

Council Member Hitchcock stated that it is in the best interest of the citizens of Lodi to have the road improved along the entire length and asked that the matter be placed on the next agenda for consideration.

City Manager Flynn commented that staff works under the assumption that Council does not favor condemnation and eminent domain procedures.

- Mayor Pro Tempore Pennino stated that he attended the San Joaquin Business Council and Partnership Breakfast today and George Badway who recently opened Eddies Pizza Café on Kettleman Lane had many positive comments about the staff of Public Works and Community Development.
- Mayor Nakanishi stated that power conservation will become increasingly more important in the coming months and asked that a conservation program proclamation from the City Council be prepared in the near future.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn stated that PG&E is an outstanding utility that supports the City of Lodi by providing gas, and many of their current difficulties are the result of the Public Utility Commission. He felt that PG&E has always tried to do what is right for its customers and support should be shown toward utilities.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:13 p.m.

ATTEST:

Susan J. Blackston
City Clerk